

Sixth Appellate District

San Jose, California

MONDAY, MARCH 20, 2006

H027897 PEOPLE v. RUIZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 20, 2006

*Before Rushing, P.J., Premo, J. and Bamattre-Manoukian, J.

H027033 OTTEN v. APPLE COMPUTER, INC.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 20, 2006

*Before Rushing, P.J., Premo, J. and Elia, J.

TUESDAY, MARCH 21, 2006

H028526 PEOPLE v. WHITFIELD

The judgment is modified by striking the probation revocation fine under section 1202.44. As so modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 21, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H027433 PEOPLE v. RODRIGUEZ

Cause called and argued by Irma Castillo appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029515 In re RODRIGUEZ on Habeas Corpus

Cause called and argued by Irma Castillo appearing for Petitioner and by Morris Lenk, Deputy Attorney General appearing for Respondent. Cause ordered submitted.

H028589 CAULEY v. CAULEY

Cause called and argued by Robin Yeamans appearing for Appellant and by Tamara Sue Bloom appearing for Respondent. Cause ordered submitted.

H028365 PELLETIER v. SBC PACIFIC BELL

Cause called and argued by M. Van Smith appearing for Appellant and by J. Al Latham appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Bamattre-Manoukian, Acting P.J., takes the bench.

Sixth Appellate District

San Jose, California

Tuesday, March 21, 2006 (continued)

H027990 LAUCELLA on Habeas Corpus

Cause called and argued by Denise Alayne Yates, Deputy Attorney General, appearing for Appellant and by William Robinson appearing for Respondent. Cause ordered submitted.

H028833 STATE BOARD OF EQUALIZATION v. SUPERIOR COURT;
BARNESANDNOBLE.COM, LLC

Cause called and argued by David Lew appearing for Petitioner and by James McManis appearing for Real Party in Interest. Cause ordered submitted. The court is in recess until the 1:30 p.m. calendar.

H028707 PEOPLE v. ANDAZOLA, JR.

The request for publication of the opinion filed in the above entitled action by respondent on March 10, 2006, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(c).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Premo, Acting P.J.; Elia, J. and Bamattre-Manoukian, J. participated in this decision.)

Filed March 21, 2006

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H028218 DING v. BOONE, et al.

H028294 BOONE v. DING

Cause called and argued by John Conwell appearing for Appellant and by Lance Burrow and James Roberts appearing for Respondents. Cause ordered submitted. Rushing, P.J. leaves the bench. Bamattre-Manoukian, J. takes the bench.

H028406 PEOPLE v. VU

Cause called and argued by Nedra Ruiz appearing for Appellant and by Rafael Sivilla, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, March 21, 2006 (continued)

H027073 LAM RESEARCH CORPORATION v. DALLAS SEMICONDUCTOR CORPORATION, et al.

H027366 LAM RESEARCH CORPORATION v. DALLAS SEMICONDUCTOR CORPORATION, et al.

Cause called and argued by Susan Handelman appearing for Appellants and by John Fowler appearing for Respondent. Cause ordered submitted.

H028003 LAM RESEARCH CORPORATION v. MAXIM INTEGRATED PRODUCTS, INC.

Cause called and argued by John Fowler appearing for Appellant and by Susan Handelman appearing for Respondent. Cause ordered submitted. Court adjourns.

WEDNESDAY, MARCH 22, 2006

The following case is submitted this date:

H029174 In re LAURA L.; MONTEREY COUNTY DSS v. NANCY W.

H028326 PEOPLE v. GUZMAN

(Filed order modifying opinion.) This modification does not affect the judgment. (not published)
(Mihara, J.; Elia, Acting P.J.; McAdams, J.)
Filed March 22, 2006

H028924 PEOPLE v. CASTRO

The April 18, 2005 order to pay \$500 in "appointed counsel fees" is stricken. As modified, the judgment is affirmed. (not published)
(Elia, J.; I concur: Rushing, P.J.; Concurring and Dissenting opinion by Mihara, J.)
Filed March 22, 2006

THURSDAY, MARCH 23, 2006

H028395 PEOPLE v. BUI

By the Court:

Appellant's application to file a supplemental opening brief is granted, and the clerk of the court shall file said brief forthwith. Respondent may serve and file a supplemental response brief on or before 10 days from the date of this order. The submission order filed March 10, 2006, is hereby vacated, and the matter will be resubmitted after respondent's supplemental response brief is filed or due.

Dated: March 23, 2006

Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

Thursday, March 23, 2006 (continued)

The following case is submitted this date:
H029042 PEOPLE v. MACKINS

FRIDAY, MARCH 24, 2006

H028321 PEOPLE v. STEVEN L.

The order is reversed and the matter is remanded for a new dispositional hearing to permit the juvenile court to set the maximum period of confinement under Welfare and Institutions Code section 731. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed March 24, 2006

H029115 PEOPLE v. THOMAS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 24, 2006

H029536 PEOPLE v. DODSON

The judgment is modified to strike the order imposing \$300 for attorney fees. As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 24, 2006

H028721 PEOPLE v. FRANCISCO V.

The dispositional order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed March 24, 2006

H028607 PEOPLE v. ASSANTE

The judgment is reversed and remanded for the sole purpose of conducting further proceedings at the election of the prosecution to determine if there is sufficient evidence to support an order requiring AIDS testing pursuant to section 1202.1. (not published)
(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)
Filed March 24, 2006

H027917 PEOPLE v. HANCOCK

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed March 24, 2006

Sixth Appellate District

San Jose, California

Friday, March 24, 2006 (continued)

H029249 PEOPLE v. MORALES

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed March 24, 2006

H029057 PEOPLE v. GONZALES

The judgment is reversed. The matter is remanded to the trial court with directions to hold a *Marsden* hearing to fully inquire into defendant's previously proffered written complaints concerning his trial counsel. If the trial court concludes that defendant is not entitled to substitution of counsel, the court shall reinstate the judgment. If the trial court concludes that defendant is entitled to substitution of counsel, the court shall appoint substitute counsel to represent defendant in subsequent proceedings, including sentencing. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed March 24, 2006

H029042 PEOPLE v. MACKINS

The judgment (order granting probation) is modified to provide that the probation condition requiring defendant to make monthly payments of \$100 is satisfied when the \$200 restitution fine is paid in full. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Duffy, J.)
Filed March 24, 2006

H026651 COUNTY OF SANTA CLARA, et al. v. ATLANTIC RICHFIELD COMPANY, et al.

By the Court*:

Respondents' petition for rehearing is denied.
Filed: March 24, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.